IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

MFA.No. 589 of 2000()

OPMV.287/1985 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI

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APPELLANTS/PETITIONERS:

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1. KEALAMANNIL HASSAN, KEALMANNIL HOUSE, THIRUNARAYANAPURAM, CHELAKKADU POST, PULAMANTHOLE VIA, MALAPPURAM DT.

2. KURUVAKUNNU PATHUMMA, KEALMANNIL HOUSE, THIRUNARAYANAPURAM, CHELAKKADU POST, MALAPPURAM DT.

BY ADV. SRI.M.P.MOHAMMED ASLAM

RESPONDENTS/RESPONDENTS:

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1. CHETTALI PAREED, S/O.MOHAMMED HAJI, CHETTALI HOUSE, VELAYUR POST, PALGHAT DT.

2. A. SIGAMANI, S/O.AYYA SWAMY, NELLIKOTTIL HOUSE, THATHAMANGALAM POST, PALGHAT DT.

3. UNITED INDIA INSURANCE CO. LTD., XVI/405, PANDY AUTOMOBILES BUILDINGS, U.P. HILL, MALAPPURAM DT.

4. HAMZA, S/O.ARAKAPARAMBIL BAVA, RESIDING AT KARUVAPADAMANA DESOM OF THEKKUMKAVU VILLAGE OF MUKUNDAPURAM TALUK.

5. SANKETHATHIL ABDURAHIMAN, S/O.KUNHALI MOLLA, P.O.PULASSERI, KOPPAM VILLAGE, OTTAPPALAM TALUK.

6. CHERITHALLIMMEL ASSAINAR S/O.KUNHU, PO PERACHIYOOR, VILAYIL AMSOM, PERADIYOOR DESOM, OTTAPPALAM TALUK.

R5 BY ADV. SRI.P.G.PARAMESWARA PANICKER
SRI.SANTHEEP ANKARATH
R3 BY ADV. SRI.A.A.MOHAMMED NAZIR

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

M.F.A.No.589 of 2000

Dated, this the 6th day of November, 2007

JUDGMENT

Petitioners in O.P.(MV) No.287/1985 on the file of the Motor Accidents Claims Tribunal, Manjeri are the appellants. This appeal is filed against an award passed by the Tribunal awarding a compensation of Rs.30,800/- to the appellants. Son of the appellants met with a motor vehicle accident and died. Appellants filed Original Petition claiming compensation. First respondent driver did not contest. Second respondent who was impleaded as the owner of the vehicle raised a contention that he was not the owner. He contended that he transferred the vehicle to the additional fourth respondent. The fourth respondent raised a contention that he sold the vehicle to the additional fifth respondent. The additional fifth respondent raised a contention that he sold the vehicle to the additional sixth respondent. Insurer raised a contention that because of the violation of the policy conditions insurer is not liable to indemnify the insured. Tribunal found that the appellants are entitled to get Rs.30,800/- as compensation. Tribunal exonerated the insurer and directed the driver and subsequent transferees to pay the amount. Challenging that award this appeal is filed.

2. Considering the date of accident, age of the victim, etc. it is not possible to hold that the compensation awarded is very law. At the time of accident awarding of compensation was concluded by the provisions under the

Motor Vehicles Act, 1939. Owner has no case that the transfer was not informed to the insurer and got it endorsed in the RC book. The finding of the Tribunal that insurer is not liable is correct and does not call for any interference. So no merit in the appeal and it is only to be dismissed.

In the result, appeal is dismissed.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

M.F.A.No.589 of 2000

JUDGMENT

6th November, 2007.